

EXHIBIT G

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS

JUDITH THIBEAU
and GEORGE THIBEAU,

Plaintiffs,

- against - C.A. 04-10643 MLW

UNITED STATES OF AMERICA
and EAST BOSTON NEIGHBORHOOD
HEALTH CENTER CORPORATION,

Defendants.

STENOGRAPHIC MINUTES OF DEPOSITION conducted
of RICHARD S. PRICE, O.D., held pursuant to the
Federal Rules of Civil Procedure, on the 18th day of
July, 2005, at the GREENWICH POLICE STATION, Academy
Road, Greenwich, New York, commencing at 1:45 p.m.,
before Diane Daly-Gage, a Shorthand Reporter and
Notary Public in and for the State of New York.

1 a typical day at the clinic?

2 A Yes.

3 Q After that next day after the accident when was the
4 next time that you heard anything about the
5 accident?

6 A I believe it was a year after that when I was in
7 Boston, I got a call from Dr. Pietrantonio saying
8 that there was a lawsuit that was going to happen as
9 a result of the accident.

10 Q Okay. What else did he say to you?

11 A He had a form from the clinic to fill out and fax
12 back, basically just stating what the typical exam
13 was, including the dilation.

14 Q Did he fax that to you?

15 A I don't remember if he mailed it or faxed it, but I
16 think he faxed it.

17 Q Okay. Did he -- aside from saying that there was a
18 lawsuit, what else do you remember him saying on
19 that occasion, which is about a year after the
20 accident?

21 A Right. Not much, except just he explained the form.
22 Said it was just an informational form that the
23 heads of the East Boston Neighborhood Health Center
24 wanted filled out, and to mail it back to the

1 address that was on the form or to fax it back. I
2 can't remember which one. I think I had to mail it.
3 And that was it that I remember.

4 Q And that form, was that what he sent to you?

5 A Yes.

6 Q And that's when you say -- I think you said a moment
7 ago that it was a form about what a typical exam
8 was?

9 A Yes. They just wanted information about my dealings
10 that day with Mrs. Thibeau as to just what exactly
11 happened.

12 Q The form itself, you got that, you filled it out and
13 you mailed it to whom?

14 A I don't remember, but I think it was either the head
15 of East Boston Neighborhood Health Center where
16 their legal department is, part of East Boston
17 Neighborhood Health Center, but I don't remember
18 specifically the name that I sent it to.

19 Q Was it a one page form?

20 A Yes.

21 Q And after you filled out and sent that form in, did
22 you have any further contact with anyone from the
23 clinic?

24 A No.

1 Q And after you filled out that form and mailed it in,
2 was that the very last contact you had with anyone
3 from the clinic up until you heard from Attorney
4 Alberto?

5 A Yes. I had sent -- there is two or three patients
6 that came into the clinic I was at at that the point
7 that were also patients of their's, so I sent
8 correspondence just in regards to those patients to
9 them. But I didn't talk to them specifically about
10 the accident or anything after that.

11 Q I'm sorry? You sent correspondence about these
12 other patients to whom?

13 A To Dr. Pietrantonio or Dr. Maggio or Dr. Capone.

14 Q When you say correspondence, do you mean a letter
15 from you describing your treatment of those people?

16 A Right, yes.

17 Q And had they asked you to answer certain questions
18 about that treatment? In other words,
19 Dr. Pietrantonio, had he asked you to answer certain
20 questions about your treatment of the other
21 patients?

22 A It was just a formality. The clinic that I was
23 working at in Boston, after I graduated I was
24 working for a doctor who did a lot of cataract

1 surgery. So if someone were referred to our clinic
2 to have their eyes looked at for possible cataract
3 surgery, we would just send a note back saying the
4 results of the exam. That was basically it.

5 Q Okay. But what did that have to do with the people
6 that you saw at East Boston Neighborhood Health
7 Center?

8 A I didn't see these people. They saw them -- you
9 asked me if I had any contact with them after that.
10 That's the only contact that I had.

11 Q Okay. But that had nothing to do with the day of
12 the accident?

13 A Correct. Nothing to do with that.

14 Q Okay. What do you recall or writing down -- strike
15 that.

16 The form that they sent you, what do you recall
17 there being on that form, that blank form?

18 MR. URSO: Objection.

19 A I believe it was just a paragraph explaining the
20 reason for the form, saying to fill it out to the
21 best of my knowledge and send it back.

22 Q Were there questions on the form?

23 A I don't remember questions. I just remember that
24 paragraph and then a lined form to fill out.

1 Q Did you write down a paragraph there?

2 A Yes, basically.

3 Q And what was the subject of that paragraph?

4 MR. ALBERTO: I think that--

5 MR. URSO: -- objection.

6 MR. ALBERTO: I'm not sure if I turned
7 that form over to you or put it on the
8 privilege log, because it was created in
9 anticipation of litigation. So maybe we can
10 take a break here so I can determine whether
11 that was turned over to you or I put it on the
12 log, if that's okay?

13 MR. FREDERICK: We'll take a break. I'm
14 99.9 percent sure that you didn't turn it over
15 to me.

16 (There was a short recess in the proceedings.)

17 BY MR. FREDERICK:

18 Q Mr. Price, you talked about a form that you filled
19 out. What's your best memory of what you wrote down
20 in that form?

21 A I believe I wrote that I performed the examination--

22 MR. URSO: -- objection to that question.

23 A -- I performed the exam, which involved checking her
24 vision and then doing a few other tests, checking

1 her pupils, her eye muscle movement, and what we
2 call finger counting fields, which is a rough
3 peripheral test, and then I would have put the drops
4 in -- I would have done the dilation warning. They
5 want to know specifically what that meant, so I
6 explained that.

7 Q Is there a question on the form about that?

8 A Actually, Dr. Pietrantonio mentioned that I should
9 include that on the form because he was asked what
10 exactly that meant when I wrote dilation warning on
11 the thing. So I included that. And I put the drops
12 in and then the patient would have waited for about
13 15 or 20 minutes, I would've brought her back,
14 would've taken a look at her in the middle and
15 posterior part of her eyes and then I would've
16 brought in Dr. Abelson who would then have looked at
17 her.

18 Q When you filled out that form had you been sent a
19 copy of the treatment notes of Ms. Thibeu?

20 A No, I don't think so.

21 Q Have you -- did you fill out some notes that day as
22 to your treatment of Ms. Thibeu?

23 A On the form that I filled out?

24 Q No, NOT on the form you filled out that